

By: Ellis

S.B. No. 233

A BILL TO BE ENTITLED

AN ACT

relating to state antiquities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 191.0525(d), Natural Resources Code, is amended to read as follows:

(d) A project for a county, municipality, or an entity created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, requires advance project review only if the project affects a cumulative area larger than one acre [~~five acres~~] or disturbs a cumulative area of more than 1,000 [~~5,000~~] cubic yards, whichever measure is triggered first, or if the project is inside a designated historic district or recorded archeological site.

SECTION 2. Section 191.092(f), Natural Resources Code, is amended to read as follows:

(f) Before the committee may designate a structure or building as a state archeological landmark, the structure or building must be listed, or be eligible to be listed, on the National Register of Historic Places.

SECTION 3. Section 191.098, Natural Resources Code, is amended by amending Subsections (a) and (b) and adding Subsection (d) to read as follows:

(a) A state agency or political subdivision may not alter, renovate, or demolish a building possessed by the state or a

1 political subdivision that was constructed at least 50 years before
2 the alteration, renovation, or demolition and that has not been
3 designated a landmark by the committee, without notifying the
4 committee of the proposed alteration, renovation, or demolition not
5 later than the 60th day before the day on which the agency or
6 political subdivision begins the alteration, renovation, or
7 demolition.

8 (b) After receipt of the notice the committee may waive the
9 waiting period; however, if the committee institutes proceedings
10 to determine whether the building is a state archeological landmark
11 under Section 191.092 [~~of this code~~] not later than the 60th day
12 after the day on which the notice is received by the committee, the
13 state agency or political subdivision must obtain a permit from the
14 committee before beginning an alteration, renovation, or
15 demolition of the building during the time that the committee's
16 proceedings are pending.

17 (d) Not later than the 15th day before the day on which a
18 political subdivision begins the alteration, renovation, or
19 demolition of the building under Subsection (a), the state agency
20 or political subdivision must hold a public hearing on the proposed
21 alteration, renovation, or demolition if:

22 (1) two or more residents of the political subdivision
23 in which the building is situated request the hearing in writing to
24 the political subdivision and to the committee not later than the
25 30th day before the day on which the political subdivision begins
26 the alteration, renovation, or demolition; and

27 (2) the building is listed, or eligible to be listed,

1 on the National Register of Historic Places.

2 SECTION 4. (a) The changes in law made by this Act to
3 Section 191.0525(d), Natural Resources Code, apply only to a
4 project for which ground has been broken on or after the effective
5 date of this Act. A project for which ground has been broken before
6 the effective date of this Act is governed by Section 191.0525(d),
7 Natural Resources Code, as that law existed immediately before the
8 effective date of this Act, and the prior law is continued in effect
9 for that purpose.

10 (b) The changes in law made by this Act to Section 191.098,
11 Natural Resources Code, apply only to a building on which the
12 alteration, renovation, or demolition has not begun before the
13 effective date of this Act. A building on which the alteration,
14 renovation, or demolition has begun before the effective date of
15 this Act is governed by Section 191.098, Natural Resources Code, as
16 that law existed immediately before the effective date of this Act,
17 and the prior law is continued in effect for that purpose.

18 SECTION 5. This Act takes effect September 1, 2005.